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I hereby certify that this correspondence and any document referred to as being attached thereto is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 8, 2005.  
Amy C. Walker *A C Walker*  
(Name of person mailing paper) (Signature)

PATENT  
Docket No.: 57657/04-265  
Response to Office Action  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/826,929  
Applicant: Lai  
Filed: 04/16/2004  
Confirmation No.: 1334  
Title: DNA Vaccine Expressing HA1 of Equine-2 Influenza Virus  
Art Unit: 1648  
Examiner: McGaw, Michael M.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

This paper is submitted in response to the non-final Official Action mailed 03/08/2005. An extension of time for three (3) months is required. Please consider this paper to constitute a Petition for Extension of Time for three (3) months and charge the fee for the Extension of Time in the amount of \$1,020.00 according to the attached Credit Card Payment Form (PTO-2038). A duplicate copy of the Amendment Transmittal Letter is submitted to accompany the Payment Form. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same.

09/14/2005 HGUTEMA1 00000019 10826929

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There are no **Amendments to the Specification or Drawings.**

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.